

NONDISCRIMINATION IN EDUCATION PROGRAMS AND ACTIVITIES

The Board of Education, its officers and employees shall not discriminate in any of its educational programs, activities or employment policies on the basis of legally protected classes, such as, but not limited to: race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, national origin, creed, religion (including religious practices), marital status, sex (including pregnancy, childbirth, or related medical condition), gender identity and expression (i.e., actual or perceived gender-related identity and sexual stereotypes, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including but not limited to the status of being transgender), age, sexual orientation, disability (physical or mental), predisposing genetic characteristic, military or work status, domestic violence victim status, socio-economic status, or use of a guide dog, hearing dog, or service dog, as applicable. The district will provide notice of this policy in accordance with federal and state law and regulation.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement, and/or terminations.

Additionally, to promote the district website's accessibility to staff, students, and members of the community with disabilities, the district will maintain a website that is accessible (or contains accessible alternatives) on perceivability, operability and understandability principles. The district's Administrator of Technology is responsible for considering the following when developing or updating the district website:

- Adding the text equivalent to every image;
- Posting documents in a text-based format such as HTML or RTF in addition to PDFs;
- Avoiding dictating colors and font settings;
- Including audio descriptions and captions to videos;
- Identifying other barriers to access; and
- Making other considerations when developing the district's website.

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the district code of conduct, the law or applicable contract.

Nothing in this policy will be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

Annual Notification

At the beginning of each school year, the district will publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice will:

Nondiscrimination in Education Programs and Activities (Continued)
Annual Notification (Continued)

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression);
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The **Assistant Superintendent for Human Resources** has been designated to handle inquiries regarding the district's non-discrimination policies. Contact information for the Assistant Superintendent for Human Resources is available on the district's website.

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref: Policy 5137, Students with Disabilities Pursuant to Section 504
 Policy 5170, Student Harassment & Bullying Prevention and Intervention
 Code of Conduct
 Policy 5159 Unlawful Harassment and Bullying
 Policy 2452 Sexual Harassment

Ref: Age Discrimination in Employment Act of 1967 29 U.S.C. §§621 *et seq.*
 Americans with Disabilities Act, 42 U.S.C. §§12101 *et seq.*
 Title VI, Civil Rights Act of 1964, 42 U.S.C. §§2000d *et seq.* (nondiscrimination based on race, color, and national origin in federally assisted programs)
 Title VII, Civil Rights Act of 1964, 42 U.S.C. §§2000e *et seq.* (nondiscrimination based on race, color, and national origin in employment)
 Title IX, Education Amendments of 1972, 20 U.S.C. §§1681 *et seq.* (nondiscrimination based on sex)
 §504, Rehabilitation Act of 1973, 29 U.S.C. §794
 Individuals with Disabilities Education Law, 20 U.S.C. §§1400 *et seq.*
 Genetic Information Nondiscrimination Act of 2008 P.L. 110-233 34 C.F.R. §§ 100.6; 104.8; 106.9; 110.25
 Executive Law §§290 *et seq.*, 292(37-38) (New York State Human Rights Law)
 Education Law §§10-18 (The Dignity for All Students Act) Education Law §§313(3); 3201; 3201-a
 ADA Best Practices Tool Kit for State and Local Governments, Website Accessibility Under Title II of the ADA (see Chapter 5 and Chapter 5 Addendum checklist), www.ada.gov/pcatoolkit/toolkitmain.htm

Nondiscrimination in Education Programs and Activities

Policy Adopted:
September 20, 1976
Policy Revised:
January 28, 1991
Policy Amended:
September 20, 1993
Policy Reviewed:
November 8, 1999
Policy Revised:
August 29, 2016
Policy Revised:
May 20, 2019
Policy Revised:
November 25, 2019
Policy Revised:
March 22, 2021
Policy Revised:
October 24, 2022

NONDISCRIMINATION IN EDUCATION PROGRAMS AND ACTIVITIES REGULATION

Students, staff members and any other persons having inquiries or concerns regarding equity compliance issues are to direct such concerns and questions pursuant to the grievance procedures outlined in this policy. The procedures set forth in this regulation do not supersede any protection complainants are provided under existing state or federal law.

Definitions

1. *Complainant* means an applicant, employee, student or vendor who alleges that they have been subjected to discrimination, which may be a violation of this policy, as well as a violation of federal or state law or associated regulations, which has affected him/her.
2. *Complaint* means any alleged act of discrimination which may be a violation of this policy, which may also violate federal and state civil rights laws or associated regulations.
3. *Compliance* means the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under the Civil Rights Act of 1964, Section 504 and the ADA. The district's compliance officer is: ***Assistant Superintendent for Human Resources, Patchogue Medford School District, 241 South Ocean Avenue, Patchogue, NY 11772.***

To ensure compliance with this policy, the superintendent of schools shall annually:

- Recommend to the Board of Education a member of the administrative staff to serve as equity compliance officer;
- Recommend four persons, including at least one student, to serve on an advisory equity compliance committee to assist the compliance officer, as needed;
- Provide for the publication of all announcements regarding this policy. Such publication shall include the name, office address and telephone number of the equity compliance officer designated pursuant to this policy and shall be included once each year in the back to school mailing parent and student handbooks which may be published and on the district's website.

The equity compliance officer shall:

- Coordinate efforts of the district to comply with this policy;
- Develop and ensure the maintenance of a filing system to keep all records required under this policy;
- Investigate any complaints concerning violations of this policy pursuant to the grievance procedures outlined herein; and

Nondiscrimination in Education Programs and Activities Regulation (Continued)

- Administer the grievance procedure established in this policy.

The Board of Education is of the general view that discrimination on the basis of the categories heretofore stated in any education program or activity of this district is not to be permitted except where necessary to accomplish a specific purpose that does not impinge upon applicable laws and the essential equality or fundamental fairness in the treatment of students, employees of this district or any other person. Accordingly, employees of this district are required by this policy to comply with the provisions of:

1. This policy as in the case of any rule or regulation adopted by the Board of Education of this district; and
2. All related statutes and regulations, as such are applicable to this district.

This policy's prohibition against action by employees or other persons acting in the name and on behalf of this district which bases any exclusion from participation in, denial of benefits from, or discrimination in any educational program or activity because of any of the categories heretofore mentioned of a student, an employee or any other person, applies to all education programs and activities conducted by this district, except as allowed by law and applicable regulations.

Grievance Procedure -- Any students, employees of the district or any other persons who believe they have been discriminated against, denied a benefit, or excluded from participation in any district education program or activity, on the basis of any of the categories heretofore noted, in violation of this policy, may file a complaint as prescribed below. However, with regard to students in particular, individuals should refer to Board Policy 2452, Sexual Harassment, and Board Policy 5170, Student Harassment & Bullying Prevention and Intervention (DASA), which outline specific procedures for making complaints, investigating complaints, and remedial action as necessary to address the conduct covered by those policies. If no acceptable resolution is found at level one, then the parties will proceed to level two, etc. The investigation and resolution of any complaints alleging an action prohibited by the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, or the Age Discrimination Act shall be dealt with in the following prompt, equitable and impartial manner.

1. Students and Adult Non-Employees

Level 1 -- Informal discussions of a verbal complaint with appropriate staff member at the school. If the complaint cannot be resolved at Level 1, it should be referred to the building principal.

Nondiscrimination in Education Programs and Activities Regulation (Continued)

Level 2 -- Formal written complaint to building principal who will promptly and thoroughly investigate the matter and thereafter issue a written response within ten business days. If additional time is needed to make a finding or issue a written response, the principal will report to all parties the need for additional time. In the event the principal finds there has been a violation of this policy, s/he will propose a resolution of the complaint. If the complainant or respondent is not satisfied with the finding or with the proposed resolution, s/he may request review / file a written complaint with the Equity Compliance Officer (Level 3) within ten (10) days after s/he has received the report of the principal.

Level 3 -- Written complaint to the Equity Compliance Officer who will promptly and thoroughly investigate the matter and thereafter respond, in writing, within ten business days. If additional time is needed to make a finding or issue a written response, the Equity Compliance Officer will report to all parties the need for additional time. In the event the Equity Compliance Officer finds there has been a violation of this policy, s/he will propose a resolution of the complaint. If the complainant or respondent is not satisfied with the finding or with the proposed resolution, s/he may file a written request for review by the Superintendent of Schools (Level 4) within ten (10) days after s/he has received the report of the Equity Compliance Officer.

Level 4 -- Written appeal to the superintendent of schools, who will promptly and thoroughly investigate the matter and thereafter provide a final written response within ten business days, or order a hearing, the commencement date of which shall be within thirty business days. If additional time is needed to make a finding or issue a written response, the Superintendent (or his/her designee) will report to all parties the need for additional time. The Superintendent may request that the complainant, the respondent, or other individuals, as appropriate, present a written statement to him/her setting forth any information that such person has relative to the complaint and the facts surrounding it. The Superintendent's written determination will include a finding whether there has been a violation of this policy and, if so, will include a proposal for equitably resolving the complaint.

Nondiscrimination in Education Programs and Activities Regulation (Continued)2. Faculty and Staff

In addition to this policy, Board Policy 2452 addresses sexual harassment of employees and outlines procedures for making a complaint, investigation of complaints, and remedial action as necessary to address the same. Faculty and operational staff also have a grievance machinery as provided by negotiated contracts. Equity compliance complaints will be processed within the regulations of these agreements or applicable District policy (including this policy, utilizing the grievance mechanism outlined above), with the exception that the hearing officer at the superintendent's level will be the Equity Compliance Officer.

Regulations Adopted:
October 24, 2022

WORKPLACE DISCRIMINATION

Use this form to file an internal claim of workplace discrimination (other than sexual harassment, which should be filed in accordance with Policy #2452), including hostile work environment, based on race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, or any other characteristic or basis protected by applicable law.

PERSONAL INFORMATION

Name: _____ Building/Department: _____
 Home Address: _____ Business Address: _____
 _____ Zip _____ _____ Zip _____

SUPERVISOR INFORMATION

Immediate Supervisor's Name: _____
 Title: _____
 Business Phone: _____

DETAILS OF CLAIM

1. Claim of discrimination/harassment is based on (check one or more that apply):

- | | | |
|--|--|--|
| <input type="checkbox"/> RACE | <input type="checkbox"/> RELIGION | <input type="checkbox"/> DISABILITY |
| <input type="checkbox"/> COLOR | <input type="checkbox"/> MARITAL STATUS | <input type="checkbox"/> PREGNANCY OR
PREGNANCY -RELATED
CONDITION |
| <input type="checkbox"/> NATIONAL ORIGIN | <input type="checkbox"/> FAMILIAL STATUS | <input type="checkbox"/> ARREST (NOT PENDING) |
| <input type="checkbox"/> CREED | <input type="checkbox"/> DOMESTIC VIOLENCE | <input type="checkbox"/> CRIMINAL CONVICTION |
| <input type="checkbox"/> AGE | <input type="checkbox"/> VICTIM STATUS | <input type="checkbox"/> MILITARY STATUS |
| <input type="checkbox"/> VETERAN STATUS | <input type="checkbox"/> GENETIC INFORMATION | |
| <input type="checkbox"/> OTHER (explain) | | |

2. Claim of discrimination/harassment is made against: Your Relationship to this person:

Name: _____ ☐ Supervisor
 Work Address: _____ ☐ Co-worker
 _____ ☐ Subordinate
 Work Phone: _____ ☐ Other: _____

3. Incident(s) occurred on or about (date(s)):

4. _____

5. Briefly describe the incident and your reasons for concluding that it was discriminatory. Include names of witness(es), if any, and attach supporting data, if available. Use an additional sheet(s), if necessary.

AFFIRMATION: I understand that the filing of this internal claim does not prevent me from filing a claim of discrimination through judicial or administrative processes.

I hereby affirm that the information contained in this claim is true and correct to the best of my knowledge, information and belief.

DATE: _____

SIGNATURE: _____

PRINT NAME: _____

DATE RECEIVED:

BY WHOM:

Signature

Print Name

Signature

Print Name

Signature

Print Name